

ORDINANCE NO. 09-86

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA REPEALING AND RESCINDING ARTICLE IV. TOWING OF MOTOR VEHICLES, OF CHAPTER 90, VEHICLES FOR HIRE, CODE OF ORDINANCES OF THE CITY OF HIALEAH, FLORIDA, INCLUDING ALL DIVISIONS AND SECTIONS CONTAINED THEREIN, IN ITS ENTIRETY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare of the community and the proper administration of its government; and

WHEREAS, Code of Miami-Dade County, Florida § 30-478 provides that Miami-Dade County exclusively regulates and enforces regulations relating to nonconsensual towing services that occur when a motor vehicle is recovered, towed, or removed from private property without the consent of the registered owner or driver of the vehicle, both in unincorporated and incorporated areas, provided that the municipality does not maintain regulate nonconsensual towing services; and

WHEREAS, the City has referred violations of the County ordinance, which carries criminal penalties and large civil fines, and has been satisfied with the County enforcement of these regulations; and

WHEREAS, it is in best interest of the City to repeal the local regulations in favor of Miami-Dade County's the more extensive regulations governing nonconsensual towing services.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 90 entitled "Vehicles for Hire", Article IV. Towing of Motor Vehicles, of the Code of Ordinances of the City of Hialeah, Florida, including all

divisions and sections contained therein, is hereby repealed and rescinded in its entirety.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 13th day of October, 2009.



Carlos Hernandez
Council President

Attest:

Approved on this 14 day of October, 2009.

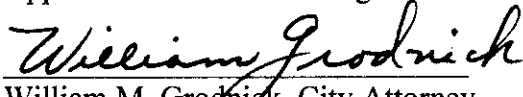


Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".